

## R E M A R K S

Claims 1 and 6 have been amended to clarify their recitals of certain novel and distinguishing features of the invention (it will be noted that "DC irradiates," in amended claim 1, is supported by express disclosure e.g. at paragraph [018] of the specification). Claim 26 has been canceled, obviating response to all grounds of rejection thereof. Since this Amendment does not increase either the total number of claims or the number of independent claims, no additional fee is necessary.

Claims 1 - 14, 17 - 25 and 27 - 32 are in the application. Of these, claim 1 is independent; all the other claims are dependent thereon. No claim has been allowed.

In the Office Action, Claims 1 - 14 have been rejected under 35 U.S.C. §103(a) as unpatentable over each of Ando et al. '543 and Hisatomi et al. WO 99/38168 (WO '168). Claims 1 - 14 and also claims 17 - 25 have been rejected as unpatentable over either Ide et al. EP 735158 (EP '158) or Yamada et al. EP 1058249 (EP '249), in view of Ando et al. '543 or WO '168. All of claims 1 - 14, 17 - 25 and 27 - 32 have been rejected as unpatentable (i) over Yamada et al. JP 2000-079761 (JP '761) in view of Ando et al. '543 or WO '168, (ii) over Nobukuni et al. EP 1056077 (EP '077) in view of Ando et al. '543 or WO '168<sup>1</sup> and (iii) over Yamada et al. EP 0898272 (EP '272) in view of Ando et al. '543 or WO '168.

With reference to the rejection of claim 1 as unpatentable over Ando et al. '543 or WO '168, it may be noted that both Ando et al. '543 and WO '168 disclose that a recording linear velocity

---

<sup>1</sup> Applicants understand numbered section 15 on pp. 9-10 of the Office Action to set forth this ground of rejection, although the first sentence repeats the same ground of rejection as the previous section (14).

information is embossed on the recording medium, but they fail to teach that the velocity information includes information such as standard recording linear velocity ( $V_r$ ) information and maximum recording linear velocity ( $V_h$ ) information.

The present invention is characterized in that a dislocation linear velocity of an optical information recording medium having a standard recording linear velocity information and/or a maximum recording linear velocity information is controlled with respect to a recording linear velocity information which has been stored beforehand so that recording at a higher linear velocity (of not less than the maximum recording linear velocity in some cases) can be carried out. That is, the present invention is characterized by the combination of physical property values which are the recording linear velocity information effective in allowing recording at a higher velocity and the dislocation linear velocity of the optical information recording medium. None of the cited references suggests the combination taught by the present invention.

A mere combination of a maximum recording linear velocity information and a recording layer according to the cited references simply produces the relationship  $V < 0.85 V_r$ ,  $V < 0.85 V_h$  of the conventional art.

What is lacking in Ando et al. '534 and WO '168 in this respect is not supplied by the other references combined therewith in the various grounds of rejection, viz. EP '158, EP '249, JP '761, EP '077, and EP '272.

Therefore, it is submitted that the recitals

"wherein information that indicates a standard recording linear velocity  $V_r$  and/or a maximum recording linear velocity  $V_h$  is stored on the medium, said stored information being recorded onto said substrate; wherein, while irradiating on land portions or groove portions formed on said guide groove energy enabled to melt the

material of said phase change type recording layer and while increasing a linear velocity of said medium and scanning, the linear velocity at which the reflectivity of said optical information recording medium decreases, in comparison to that before the energy is radiated, is defined as dislocation linear velocity V; wherein the dislocation linear velocity V at the time when a focused semiconductor beam DC irradiates said groove portions or land portions of said guide groove satisfies a relation

$$V \geq V_r \times 0.85 \text{ or}$$

$$V \geq V_h \times 0.85"$$

distinguish claim 1, and all of dependent claims 2 - 14, 17 - 25 and 27 - 32, patentably over the applied references, whether considered individually or in the asserted combinations.

For the foregoing reasons it is believed that this application is now in condition for allowance. Favorable action thereon is accordingly courteously requested.

Respectfully,

*Christopher C. Dunham*

Christopher C. Dunham

Reg. No. 22,031

Attorney for Applicant

Tel. (212) 278-0400

I hereby certify that this paper is being deposited this date with the U.S. Postal Service as first class mail addressed to Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

*Christopher C. Dunham*

Christopher C. Dunham, Reg. No. 22,031

Date: JUNE 27, 2005